

Change of Use (Information Sheet)

All properties have a 'land use' or 'use'. Examples include shop, office, single house, cafe/restaurant and showroom. Most of the common uses of land are listed in Table 1 of the City of South Perth Town Planning Scheme No. 6 (TPS6) (definitions of these uses are found in Schedule 1 of TPS6.)

Change of Use

A 'change of use' occurs when the 'use' of land changes from one to another, e.g. From shop to office. All changes of use require Development Approval from the Council prior commencing the new use unless otherwise advised by the City's Planning department.

When is an application not required?

If a location was approved for a 'use', another business of the same 'use' may move in without the need for a new approval. For example, a premises being used by one business as an 'office' may have another 'office' type business move into the premises. The new business must comply with all the conditions of approval for the previous relevant Planning Approval given to that site (e.g. parking requirements). *Please note that approvals by other departments of the City may still be required, e.g. Environmental Health Services.*

If the new business needs to alter external signage, parking requirements, extend the building, change any other conditions that apply to the land, or change the use of the land an Application will be required to be made to the City.

Applying for Planning Approval

Refer to the City's information sheet on "Applying for Planning Approval" for general information on lodging an Application for Development Approval.

To prepare an application:

- refer to TPS6 Clauses 3.3 & 3.4, Table 1 and Schedules 1 & 2 to determine if the proposed use of the land is "P" (permitted), "D" (discretionary), "DC" (discretionary with consultation), "X" (prohibited) or not listed in Table 1, or if the property is listed in Schedule 2
- for residential proposals, refer to the relevant portions of TPS 6 (eg. Parts 4, 6 & 7, Table 2 and Schedules 3), Residential Design Codes of Western Australia 2015 and relevant Council policies
- for non-residential proposals, refer to the relevant portions of TPS 6 (eg. Part 5s, 6 & 7, Tables 3, 4, 5 & 6) and relevant Council policies.

Non-Conforming Use

You may find that a property is currently being operating as a use that is, according to TPS 6, no longer allowed on that site. If that is the case, Non-Conforming Use Rights may exist on the site.

"'Non-Conforming Use' : means any use of land or building which was lawful immediately prior to the coming into operation of this Scheme, but which is not in conformity with any provision of this Scheme" (Quoted from Schedule 1 of TPS6)

Non-Conforming Use Rights are set out in detail in Clause 8.1 of TPS 6. If you are examining a site that appears to rely upon the Non-Conforming Use provision of TPS 6, it is recommended that you contact the City to discuss the matter further.

Should you have any further questions regarding this or any other matter, you are welcome to contact one of the City's officers by telephone or via email enquiries.

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